ORDER RECEIVED FOR FILING

PETITIONS FOR VARIANCE - SW/S IN RE:

Moreland Avenue, 1105' and 1155' SE

of the c/l of Harford Road

(3035 & 3037 Moreland Avenue) 14th Election District

6th Councilmanic District

Santo DiFatta Petitioner

* BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case Nos. 96-273-A and

96-274-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as bined Petitions for Variance for the properties known as 3035 and 3037 Moreland Avenue, located in the vicinity of Harford Road in Parkville. Petitions were filed by the owner of the property, Santo DiFatta. No. 96-273-A, the Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 50 feet in lieu of the required 55 feet, and to approve an undersized lot and grant any relief as determined to be necessary, pursuant to Section 304.2 of the B.C.Z.R., for a proposed dwelling. In Case No. 96-274-A, the Petitioner seeks similar relief from Section 1802.3.C.1 of the B.C.Z.R. to permit a front lot width of 50 feet in lieu of the required 55 feet and a variance to permit a side yard setback of 7 feet in lieu of the minimum required 10 feet for an existing dwelling. The subject property and relief sought are more particularly described on the site plans submitted which were accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions were Santo DiFatta, property owner, and Vincent J. Moskunas, a representative of M & H Development Engineers, who prepared the site plans for these requests. Appearing as a Protestant in the matter was Mark A. Mears, who resides on

the property adjacent to 3035 Moreland Avenue, which is proposed to be developed with a single family home.

Testimony and evidence offered revealed that the property known as 3037 Moreland Avenue is improved with a two-story single family dwelling is located within an older subdivision known as California Orchards, which was developed many years ago with 40-foot and 50-foot wide lots. The Petitioner purchased the property in June 1992, at which time it was comprised of five lots with a combined gross acreage of 0.519 acres, zoned Shortly thereafter, the Petitioner filed a request for a minor subdivision of the property to create two lots back to back. Specifically, the Petitioner proposed a panhandle configuration in which the second lot would be located to the rear of the first lot and accessible via a panhandle driveway running along the northwest side property line. That configuration is more particularly described on a copy of a subdivision plat has been identified as Exhibit "A". The Office of Planning, and ultimately, the Board of Appeals denied the request for resubdivision in this fashion and recommended the Petitioner divide the property so as to create two side by side lots. The Petitioner now proposes a resubdivision of the property in accordance with Petitioner's Exhibit 1. In this scenario, the property at 3037 Moreland Avenue (Lot 1) will consist of 0.259 acres, more or less, and will contain the existing improvements. Proposed Lot 2, or 3035 Moreland Avenue, will also contain 0.259 acres, and is proposed to be developed with a single family dwelling. However, in order to divide the property as proposed, the relief requested is necessary in order to legitimize the existing improvements and to develop Lot 2 with a single family dwelling.

CRIDER RECEIVED FOR FILLING
Date

3/3/1/6

As noted above, Mr. Mark Mears, an adjoining property owner, appeared and testified in opposition to the request. Mr. Mears resides on the property adjacent to the vacant lot at 3035 Moreland Avenue. Mr. Mears does not believe it appropriate to develop this property with a single family dwelling and wants that property to remain vacant. Mr. Mears is concerned about additional storm water runoff on his property as a result of development on 3035 Moreland Avenue. He further testified that there is a large oak tree on this lot which he would not like to see destroyed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented,

I am persuaded to grant the relief requested. The uncontradicted testimony established that these properties are located in an older subdivision which was developed many years ago with narrow lots, many of which are under 50 feet in width, and that approximately 60% of the houses in this

community are built on narrow, undersized lots. Therefore, I believe it appropriate to grant the relief requested to legitimize the existing dwelling and to permit development on the vacant lot at 3035 Moreland Avenue with a single family dwelling. In the opinion of this Deputy Zoning Commissioner, the relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Furthermore, it will not be necessary to address the provisions of Section 304 of the B.C.Z.R. in that the Petitioner has failed to satisfy the requirements set forth therein, and in the alternative, has requested the variances. However, as a condition of approval, the Petitioner shall submit elevation drawings to the Office of Planning for review and approval prior to the issuance of any building permits for the proposed dwelling at 3035 Moreland Avenue.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20 day of March, 1996 that the Petition for Variance in Case No. 96-274-A seeking relief from Section 1802.3.C.1 to permit a front lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 7 feet in lieu of the minimum required 10 feet, for an existing dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 96-273-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 50 feet in

lieu of the required 55 feet, for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any building permits for improvements on 3035 Moreland Avenue, the Petitioner shall submit elevation drawings of the proposed dwelling for review and approval by the Office of Planning. The house at 3035 Moreland Avenue shall be constructed for resale purposes, only. The Petitioner shall not be permitted to use the dwelling as a rental property; the dwelling shall be owned by the person residing therein.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

ORDER RECEIVÉD FOR FILING
Date
By

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

March 20, 1996

Mr. Santo DiFatta 8829 Avondale Road Baltimore, Maryland 21234

RE: PETITIONS FOR VARIANCE

SW/S Moreland Avenue, 1105' and 1155' SE of the c/l of Harford Road (3035 & 3037 Moreland Avenue)

14th Election District - 6th Councilmanic District

Santo DiFatta - Petitioner Case Nos. 96-273-A and 96-274-A

Dear Mr. DiFatta:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. Vincent J. Moskunas, M & H Development Engineers, Inc. 200 E. Joppa Road, Joppa, Md. 21286

People's Counsel

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Add to the state of the state o



ORDER RECEIVED FOR FILING

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

3037 Moneland Ave.
which is presently zoned Or. 5.5

96-274-A

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1BO2.3C1 (BCZ)

To permit front lot width of 50 ft. in lieu of the required 55 ft. and a 7 ft. side yard setback in lieu of the required 10 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- 1. AMINOR SUBDIVISION WAS FILED FOR TWO (2) LOTS AS A PANHANDLE CONFIGURATION WHICH WOULD NOT HAVEANGED VARIANCE. BOARD OF APPEALS CASE NO 93-050MP. DENIED APPROVAL BECAUSE OFFICE OF PLANNING & ZONING DENIED THE RESUBDIVISION. THE PROPERTY WAS PURCHASED FOR THE PURPOSE OF SUBDIVIDING THE LOT WHICH HAS TWO (2) TAX ACCOUNT NUMBERS.

 2. WIDTH OF PROPERTY TOO NARROW TO HAVE SS FOOT WIDE COTS, SIDE BY SIDE.
- 3. EXISTING DWELLING IN THE TAX ACCOUNT NAMBERS IS TOO CLOSE TO THE PROPOSED RIGHT PROPERTY CINE, WHICH Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I/We do solemnly declare an legal owner(s) of the property	nd affirm, under the penalt which is the subject of th	ties of perjury, that I/we are ti is Petition.
Contract Purchaser/Lessee.			Legal Owner(s).		
(Type or Print Name)	***************************************		SANTO DI 3 (Type or Print Name)	ExTA.	<u></u>
Signature			Signature	0	
Address			(Type or Print Name)	****	
Ciry	State	Zipcode	Signature		· · · · · · · · · · · · · · · · · · ·
Attorney for Petitloner.			8829AVONDA	LE ROAD	(11,2507
(Type or Print Name)	······································		Address		661-2507 Phone No
			BAUTO.	Mo.	21234
Signature		444	Olly Name, Address and phone no M¢H OEVEROPHE		be contacted.
Address	Phone	No.	VINCENT J. M	105KUN4S.	
City	State	Zipcode	200 E. JOPPA.	Rd. 21286	P 2 # -90 4 0 Phone No.
•		,		OFFICE USE ONLY	
			ESTIMATED LENGTH OF HE	ARING unavailable for Hearin	98
TD.			the following dates		Next Two Months
Printed with Soybean link on Recycled Paper			ALL	OTHER	
Revised 9/5/95		$\frac{1}{\mu} = \frac{1}{\mu} \frac{1}{\lambda} $	REVIEWED BY:	7. DATE	1-17-96



200 East Joppa Road Room 101, Shell Building Towson, Maryland 21286 (410) 828-9060

January 16,1996.

ZONING DESCRIPTION FOR #3037 MORELAND AVENUE

96-274-A

Beginning at a point on the southwest side of Moreland Avenue which is 30 foot of Right-of-Way wide at the distance of 1155'± southeast of the southeast side of Harford Road which is 66 foot of Right-of-Way wide. Being Lot Nos. 94,95, and half of lot 96, as shown on the Plat Entitled, "California Orchards", as record in Baltimore County Plat Book W.P.C.No. 7, folio 37, Containing 0.259 Acre, more or less. Also known as 3037 Moreland Avenue and located in the 14th. Election District.



J. Tilghman Downey, Jr.

.WICROFILMED

ITEM# 272

ZONING DEPARTMENT OF BALTIMORE COUNTY

Tower, Maryland

Posted for: Variance	Date of Posting 1/1/94
Posted for: Variance	
700	
Location of Signer Freizing 100 dway on fros	sonly being 20-nod
Remarks: Posted by Mistarly Signature	Date of return: 19996
Signature Number of Signs:	



The Zoung Characscaper of Selfridge Land Hamilton of Baltimore Courty will hold a public hearing on the property identified berein in Roam 106 of the Courty Office Building, 111 W. Chespeake Avenue in Towson, Maryland 21204 or Roam 118. Old Courthouse, 400 Westington Avenue, Towson, Maryland 21204 as follows:

Case: #96-274-A

(Nem 272)
3107 Moreland Avenue
5105. Moveland Avenue
11155 + SE of of Harbord Rd.
14th Election District
6th Councilmanic

Legal Owner(s):
Santo DiFatta
Variance: to permit a front
Volviction of 50 feet in feu, of
the proprieted, 55 feet shot a 7
foot side-yand serback in then of
the required United
theraping United
Hearing: Unesday, Fernary
27, 1996 at 200 fun, in Run.
106, County Office Bigiding.

LAMPENCE E SCHMIDT Zoning Commissioner for Bathrone County, MDTES. (1) Hearings are Handicapped Accessive, for special accommodations Plasse CAI 887-3253.
(2) For information concerning the File and/or Hearing, Please CAI 887-3391.

2/105 Feb. 8. C30280

CERTIFICATE OF PUBLICATION

TOWSON, MD.,.

published in THE JEFFERSONIAN, a weekly newspaper published _successive THIS IS TO CERTIFY, that the annexed advertisement was in Towson, Baltimore County, Md., once in each of _ weeks, the first publication appearing on 2/9

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

DISTRIBUTION
WHITE - CASHEER PINK - AGENCY YELLOW - CUSTOMER LC * WELL TEM:# 100 - 100 CO THE TO THE TOTAL OF THE TOTAL O RECEIVED MISCELLANEOUS CASH RECEIPT OFFICE OF FINANCE - REVENUE DIVISION BALTIMORE COUNTY, MARYLAND 1-16-96 OCH SANT LIWART HEW VALIDATION OR SIGNATURE OF CASHIER Section of the Sectio CLES. (1) & 30181441 AMOUNT \$ 17Em # 27/8272 M(50.13

TO: PUTUXENT PUBLISHING COMPANY
February 8, 1996 Issue - Jeffersonian

Please foward billing to:

Santo DiFatta 8829 Avondale Road Baltimore, MD 21234 661-2507

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-274-A (Item 272)

3037 Moreland Avenue

SW/S Moreland Avenue, 1155'+/- SE of c/l Harford Road

14th Election District - 6th Councilmanic

Legal Owner: Santo DiFatta

Variance to permit a front lot width of 50 feet in lieu of the required 55 feet and a 7 foot side yard setback in lieu of the required 10 feet.

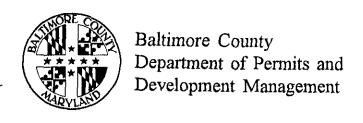
HEARING: TUESDAY, FEBRUARY 27, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

j→ 1 -\$



Permits and Licenses County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3900 Fax: (410) 887-2824

January 31, 1996

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Arnold Jablon

Director

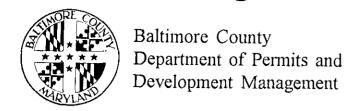
cc: Santo DiFatta

M & H Development Engineers, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

February 21, 1996

Santo Difatta 8829 Avondale Road Baltimore, MD 21234

RE: Item No.: 272

Case No.: 36/274-A

Petitioner: S. Difatta

3037 Morelenad Ave.

Dear Mr. Difatta:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR/jw
Attachment(s)





BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 5, 1996 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief Development Plans Review

RE:

Zoning Advisory Committee Meeting for February 5, 1996
Items (272,) 273, 275, 276 and 278

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

;hj. `

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: February 7, 1996

TO:

Arnold Jablon, Director

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Saryl Kerns

Item Nos. 271 and 272

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL

ITEM271/PZONE/ZAC1

174

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 01/29/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 29, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:271, 272, 273, 274, \checkmark 276. 277 AND 278.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink

MICHOFILMS



David L. Winstead Secretary Hal Kassoff Administrator

1-26-96

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County Item No. 272

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, Bob Small

Ronald Burns, Chief Engineering Access Permits

Division

BS/es

My telephone number is ___

RE: PETITION FOR VARIANCE * BEFORE THE

3037 Moreland Avenue, SW/S Moreland Ave,

1155'+/- SE of c/l Harford Road * ZONING COMMISSIONER

14th Election District, 6th Councilmanic * OF BALTIMORE COUNTY

Santo DiFatta
Petitioner * CASE NO. 96-274-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

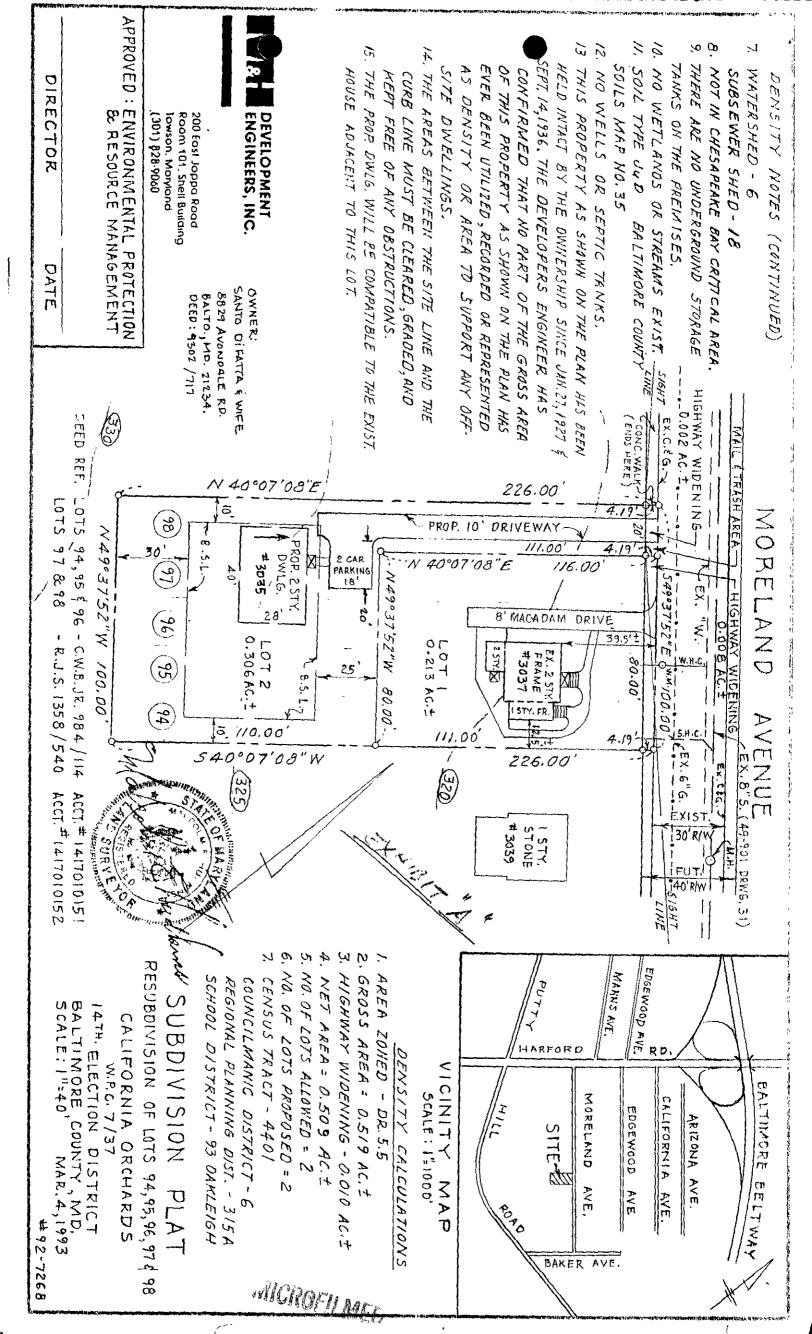
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

PETER MAX ZIMMERMAN

Eti Maro Zimmoina



96-274-A



- - ·



* DEPUTY ZONING COMMISSIONER → OF BALTIMORE COUNTY

* Case Nos. 96-273-A and 96-274-A Santo DiFatta Petitioner

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for the properties known as 3035 and 3037 Moreland Avenue, located in the vicinity of Harford Road in Parkville. The Petitions were filed by the owner of the property, Santo DiFatta. In Case No. 96-273-A, the Petitioner seeks relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 50 feet in lieu of the required 55 feet, and to approve an undersized lot and grant any relief as determined to be necessary, pursuant to Section 304.2 of the B.C.Z.R., for a proposed dwelling. In Case No. 96-274-A, the Petitioner seeks similar relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a front lot width of 50 feet in lieu of the required 55 feet and a variance to permit a side yard setback of 7 feet in lieu of the minimum required 10 feet for an existing dwelling. The subject property and relief sought are more particularly described on the site plans submitted which were accepted and marked into evidence as Petitioner's Exhibits 1.

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> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

After due consideration of the testimony and evidence presented, am persuaded to grant the relief requested. The uncontradicted testimony established that these properties are located in an older subdivision which was developed many years ago with narrow lots, many of which are under 50 feet in width, and that approximately 60% of the houses in this

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THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20^{-4} day of March, 1996 that the Petition for Variance in Case No. 96-274-A seeking relief from Section 1B02.3.C.1 to permit a front lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 7 feet in lieu of the minimum required 10 feet, for an existing dwelling in accordance with Petitioner's Exhibit 1, be and is

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> 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> > TIMOTHY M. KOTROCO Deputy Zoning Commissioner

TMK:bjs

for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

March 20, 1996

Mr. Santo DiFatta 8829 Avondale Road Baltimore, Maryland 21234

RE: PETITIONS FOR VARIANCE SW/S Moreland Avenue, 1105' and 1155' SE of the c/l of Harford Road (3035 & 3037 Moreland Avenue) 14th Election District - 6th Councilmanic District Santo DiFatta - Petitioner Case Nos. 96-273-A and 96-274-A

Dear Mr. DiFatta:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Very truly yours, Must the Kotraco TIMOTHY M. KOTROCO Deputy Zoning Commissioner

for Baltimore County

cc: Mr. Vincent J. Moskunas, M & H Development Engineers, Inc. 200 E. Joppa Road, Joppa, Md. 21286

People's Counsel

Gype of Print Name

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at

7 ft. side yard setback in lieu of the required 10 ft.

3037 MORELAND AVE. which is presently zoned 02.5.5 This Petition shall be filed with the Department of Permits & Development Management The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3C1 (BCZR) To permit front lot width of 50 ft. in lieu of the required 55 ft. and a

of the Zoning Regulations of Baltimore County, to the Zoning Lew of Baltimore County; for the following reasons: (indicate hardship or 1. AMILIOR SUBDIVISION WAS FILED FOR TWO (2) LOTS AS A PANHANDLE CONFIGURATION WHICH WOULD NOT HAVE ANGENTA VARIANCE. BOARD OF APPEALS CASE Nº 93-050MP. OEN IED APPROVAL BECAUSE OFFICE OF PLANNING FRONING DEDICO THE RESUBDIVISION. THE PROPERTY WAS PURCHASES FOR THE PURPOSE OF SUBDIVIDING THE LOT WHICH HAS TWO (2) TAX ACCOUNT NAMBERS. 2. WIDTH OF PROPERTY TOO NARROW TO HAVE SSFOOT WIDE COTS, SIDE BY SIDE. 3. EXISTING DWELLING ON ONE PETMETAX ACCOUNT NUMBERS IS TOO CLOSE TO THE PROPOSED RIGHT PROPERTY CINE, WHICH OPPORTS IS TO BE POSTED AND THE PANHANOLE WAS APPRIVED.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:			VWe do solemnly declare and affirm, under the legal owner(s) of the property which is the subjected to the content of the subjected to the sub	penalties of perjury, that I/we a ct of this Petition.
(Type or Print Name)		·	SANTO DI FATTA. (Type or Print Name) Secuto & F	//
Signature		<u> </u>	Signature U	etta
Address			(Type or Print Name)	
Cry	State	Zipcode	Signature	
Attorney for Petitioner:			000000000000000000000000000000000000000	
(Type or Print Name)	 		8829 A VON DALE ROAD	661-2507 Phone No
			BALTO, MO	21234
Signature			City Name, Address and phone number of representa M专口 OEVELOPMENT ENGINE	State Zipcode tive to be contacted.
Address	Phone	No.	VINCENT J. MOSKUNA.	<u>s.</u>
Σ-rty	State	Zipcode	200 E. JOPPA. Rd. 2128	C FZF-9a6o Phone No.
		•	OFFICE USE O	WLY
			ESTIMATED LENGTH OF HEARING UNIVERSIDE FOR H	learing
			the following detee	
Printed with Soybean Ink on Recycled Paper			ALLCTHER	
Revised 0/5/05			REVIEWED BY:	DATE 1-17-96

ITEH # 272

DEVELOPMENT ENGINEERS, INC.

200 East Joppa Road Room 101, Shell Building Towson, Maryland 21286 (410) 828-9060

January 16,1996.

ZONING DESCRIPTION FOR #3037 MORELAND AVENUE

96-274-A

Beginning at a point on the southwest side of Moreland Avenue which is 30 foot of Right-of-Way wide at the distance of 1155't southeast of the southeast side of Harford Road which is 66 foot of Right-of-Way wide. Being Lot Nos. 94,95, and half of lot 96, as shown on the Plat Entitled, "California Orchards", as record in Baltimore County Plat Book W.P.C.No. 7, folio 37, Containing 0.259 Acre, more or less. Also known as 3037 Moreland Avenue and located in the 14th. Election District.



J. Tilghman Downey, Jr.

ITEM# 272

ZOWING DEPARTMENT OF BALTIMORE COUNTY CERTIFICATE OF POSTING

District 1978 Posted for: Variance	Date of Posting 2/2/94
Posted for: Variance	
Petitioner: Son lo Di Fotta	
Location of property: 3037 Morland	Arei
postlon of Stene Facine rise ducy	an whom he being someth
ocation of Signa Freing You dury	on properly being somed
ocation of Signe Freing Yor dury	on properly being 2001-d
temarks:	
Location of Signer Freing 100 ducy	On properly being 2001-d Date of return: 19/96

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ___successive weeks, the first publication appearing on 2/8, 19 4.

THE JEFFERSONIAN,

BALTIMORE COUNTY, MARYLAND R101-6150 OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT ITEM# 27/9572 DATE 1-16-96 175M # 371 1 050 - 5/EN - 85000 MIGHT THANK, WC. AMOUNT \$ 170 CC C/C-1/AR-4 77 22 OSTRIBUTION VALIDATION OR SIGNATE - CASHER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Department of Permits and

Development Management

NOTICE OF HEARING

The Zoning Commissioner of Bakimore County, by authority of the Zoning Act and Reguta-tions of Balimore County will

tons of Batamore County was hold a public hearing on the property identified herein in Room 106 of the County Of-fice Building, 111 W. Chesa-peake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-274-A
(item 272)
3037 Moreland Avenue
SW/S Moreland Avenue,
1155 +/- SE of cf Harford Rd.
14th Election District
6th Councilmanic
Legal Owner(s):
Santo Diffatta
Varianca: to permit a front
lot width of 50 feet in fieu of
the required 55 feet and a 7
foot side yard setback in fieu of
the required 10 feet.
Hearing: Tuesday, February
27, 1996 at 2:00 p.m. in Rm.
106, County Office Building.

LAWRENCE E. SCHMIDT

Please Call 887-3353.
(2) For information concerning the File and/or Hearing.
Please Call 887-3391.

2/105 Feb. 8. C30280

Case: #96-274-A

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

February 21, 1996

Santo Difatta 8829 Avondale Road Baltimore, MD 21234

> -E: Item No. 272 case No., 36-274-3 Petitioner: S. Difatta 3037 Morelenad Ave.

Dear Mr. Difatta:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Zoning Supervisor

WCR/jw Attachment(s) BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 5, 1996
Zoning Administration and Development Management FROM: Robert W. Bowling, P.E., Chief Development Plans Review

Zoning Advisory Committee Meeting for February 5, 1996
Items (272,) 273, 275, 276 and 278

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

TO: PUTUXENT PUBLISHING COMPANY February 8, 1996 Issue - Jeffersonian

Please foward billing to:

Santo DiFatta 8829 Avondale Road Baltimore, MD 21234 661-2507

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-274-A (Item 272)

3037 Moreland Avenue

SW/S Moreland Avenue, 1155'+/- SE of c/l Harford Road 14th Election District - 6th Councilmanic

Legal Owner: Santo DiFatta

Variance to permit a front lot width of 50 feet in lieu of the required 55 feet and a 7 foot side yard setback in lieu of the required 10 feet.

HEARING: TUESDAY, FEBRUARY 27, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Department of Permits and Development Management

Permits and Licenses County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3900 Fax: (410) 887-2824

January 31, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room i18, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-274-1 (Item 272) 3037 Moreland Avenue SW/S Moreland Avenue, 1155'+/- SE of c/l Harford Road 14th Election District - 6th Councilmanic Legal Owner: Santo DiFatta

Variance to permit a front lot width of 50 feet in lieu of the required 55 feet and a 7 foot side yard setback in lieu of the required 10 feet.

HEARING: TUESDAY, FEBRUARY 27, 1996 at 2:00 p.m. in Room 106, County Office Building.

Armold Jablon

M & H Development Engineers, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Permits and Development Management

DATE: February 7, 1996

FROM: Pat Keller, Director Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 271 and 272

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: They W. Long

Division Chief: Dayl Klins

ITEM271/PZONE/ZAC1

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500

Office of the Fire Marshal

(410)887-4880

DATE: 01/29/96

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 29, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 8. The Fire Marshal's Office has no comments at this time,

IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:271, 272, 273, 274, C 276, 277 AND 278.

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink on Recycled Paper

RWB:sw

Printed with Soybean Ink on Recycled Paper

